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January 18, 2017

BY ECF

The Hon. Brian M. Cogan
United States District Judge
Eastern District of New York

Re: Dalton, et al. v. Gem Financial Services, Inc., et al., No. 15-cv-05636 (BMC)

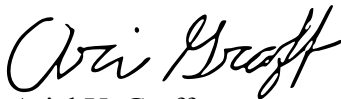
Dear Judge Cogan:

As Your Honor is aware, we represent Plaintiffs in the above-referenced action under the FLSA and New York Labor Law against Defendant Gem Financial Services, Inc. and its affiliated pawnshops (collectively, “Defendants” or “Gem”). We write in opposition to Defendants’ letter of the same date (ECF #56), which requests that the Court suspend the parties’ deadline to file our Joint Pretrial Order (which is currently due on Tuesday, January 24), and reopen discovery for “at least” an additional ninety days.

We respectfully note that – although Defendants’ letter suggests otherwise – Defendants have, to date, at no time during the course of this litigation, *ever* propounded document requests, interrogatories, or any other form of written discovery request that might have afforded them the information that Defendants now claim to urgently require.¹ Having declined to exercise their opportunity to seek appropriate discovery during the lengthy discover period, Defendants last-minute request to now reopen discovery (two weeks *after* the scheduled close of discovery, and only days prior to the parties’ deadline for filing the Joint Pretrial Order) should therefore be denied.

Thank you for Your Honor’s consideration.

Respectfully submitted,



Ariel Y. Graff

¹ Defendants similarly declined to serve formal deposition notices, although we made every effort to accommodate Defendants’ scheduling requests as to opt-in depositions on an informal basis during the discovery period.